

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA
and STATE OF OKLAHOMA,

Plaintiffs,

vs.

THE DOE RUN RESOURCES
CORPORATION, and NL INDUSTRIES,
INC.,

Defendants.

Civ. Action No. 4:15-CV-663-CVE-TLW

ASARCO LLC,

Plaintiff-Intervenor,

vs.

UNITED STATES OF AMERICA, STATE
OF OKLAHOMA, THE DOE RUN
RESOURCES CORPORATION, and NL
INDUSTRIES, INC.,

Defendants.

PLAINTIFFS' OPPOSED MOTION TO EXCEED PAGE LIMITATION

COME NOW Plaintiffs United States of America and the State of Oklahoma on behalf of the United States Environmental Protection Agency and the Oklahoma Department of Environmental Quality respectively, and hereby move the Court for leave to file a brief exceeding by 25 pages the twenty-five page brief limitation of Local Civil Rule 7.2(c).

1. Pending before the Court is the proposed Consent Decree between Plaintiffs and the Doe Run Resources Corporation and NL Industries, Inc. ("Defendants") (Doc. 3-1). Under the briefing schedule approved by the Court, Plaintiffs' Motion to Enter is due November 22, 2016,

and Plaintiff-Intervenor ASARCO LLC (“Asarco”) Response is due on February 24, 2017.

2. The United States has received 28 comments (totaling approximately 90 pages along with 129 pages of exhibits) opposing entry of the proposed Consent Decree. In order to adequately address the comments and arguments raised by the commenters, Plaintiffs request permission to file its Motion to Enter and Memorandum in Support containing an additional 26 pages (exclusive of cover page, table of contents, and Certificate of Service). The United States’ and State of Oklahoma’s Response to Comments will be attached as a separate exhibit to the Motion to Enter and Memorandum in Support.

3. No previous motions to exceed page limitations have been filed by Plaintiff, and the granting of the relief sought would not result in any delay of the proceedings or prejudice to Asarco as they have 94 days to respond. In compliance with Local Civil Rule 7.2(k), the United States contacted Asarco to inform them of the need to file a brief longer than permitted by the local rules. However, Asarco did not agree with our request and does not consent to this Motion.

4. **WHEREFORE**, the United States respectfully requests leave to exceed the twenty-five page briefing limitation by twenty-six pages, for a total of fifty-one pages, in its Motion to Enter and Memorandum in Support.

Respectfully submitted,

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Environment and Natural Resources Division
United States Department of Justice

/s/ Samuel D. Blesi
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Certificate of Service

I hereby certify that on November 21, 2016, I electronically filed the UNITED STATES' MOTION TO EXCEED PAGE LIMITATION AND PROPOSED ORDER using the ECF System for filing.

I hereby further certify that on this same date I caused to be served the UNITED STATES' MOTION TO EXCEED PAGE LIMITATION AND PROPOSED ORDER by U.S. first class mail on the following attorney, who is not a registered participant of the ECF System, at the following addresses:

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s/ Samuel D. Blesi
Samuel D. Blesi